

---

**UTAH LABOR COMMISSION**

**MICHAEL VERBURG,**

**Petitioner,**

**vs.**

**OGDEN CITY POLICE DEPARTMENT,**

**Respondent.**

**ORDER DENYING REQUEST  
FOR RECONSIDERATION**

**Case No. 04-1130**

---

Michael Verburg asks the Utah Labor Commission to reconsider its prior decision denying Mr. Verburg's claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this matter pursuant to Utah Code Annotated § 63-46b-13.

**BACKGROUND AND ISSUE PRESENTED**

Mr. Verburg, a police officer with Ogden City Police Department ("OCPD"), seeks workers' compensation benefits for a cervical injury allegedly caused or aggravated when he hit his head on the door frame as he was getting into the driver's seat of his police car. After an evidentiary hearing, Judge Lima awarded benefits to Mr. Verburg. OCPD then requested Commission review. On November 19, 2007, the Commission reversed Judge Lima's award and denied Mr. Verburg's claim for benefits on the grounds his accident was not the "legal cause" of his cervical injury.

Mr. Verburg now asks the Commission to reconsider its decision. Mr. Verburg argues that the Commission failed to appreciate the force of the impact that occurred as he hit his head on the car's door frame. Mr. Verburg contends that this force is sufficient to satisfy the requirement of legal causation.

**DISCUSSION**

The Commission has reviewed the evidentiary record in this matter, with particular attention to the accident that occurred as Mr. Verburg was getting into his car. Based on the evidence, the Commission reaffirms its finding that Mr. Verburg experienced a relatively routine event in which he bumped his head as he slid into the driver's seat. The fact that Mr. Verburg experienced an unusual reaction to that event—his vision "going black" for a moment—does not change the nature or force of the impact itself, but is more reasonably related to Mr. Verburg's preexisting cervical problems.

**ORDER DENYING REQUEST FOR RECONSIDERATION  
MICHAEL VERBERG  
PAGE 2 of 2**

The Commission's previous decision has explained in some detail the standard for legal causation that is applicable to Mr. Verburg's claim. That explanation will not be repeated, except to note that the Commission has again considered Mr. Verburg's arguments but again concludes that Mr. Verburg's accident does not satisfy the test for legal causation that is applicable to Mr. Verburg's claim.

**ORDER**

The Commission affirms its previous decision in this matter and denies Mr. Verburg's request for reconsideration. It is so ordered.

Dated this 14<sup>th</sup> day of January, 2008.

---

Sherrie Hayashi  
Utah Labor Commissioner

**NOTICE OF APPEAL RIGHTS**

Any party may appeal this Order to the Utah Court of Appeals by filing a Petition For Review with that Court within 30 days of the date of this Order.